

REMARKS/ARGUMENTS

Claims 1-7 are active in the case. Reconsideration is respectfully requested.

The present invention relates to a telomerization process in which a mixture of 1,3-butadiene and other hydrocarbons is reacted with a nucleophile in the presence of a catalyst.

Claim Objections

The various issues that have been raised with respect to Claims 3-7 are believed obviated by the amendments made to these claims. None of the amendments that have been made introduce new matter into the case. Withdrawal of the objections is respectfully requested.

Claim Amendments

Minor changes of form have been made in several of the claims in the form of the newly presented claims. None of the amendments are believed to have introduced new matter into the case. Entry of the amendments into the record is respectfully requested.

Claim Rejection, 35 USC 112, Second Paragraph

The issue raised with respect to Claim 1 is believed to have been obviated by the amendment that has been made which introduces the term “optionally” into the claim.

As to Claim 6 it is now clearly stated in the claim that the nucleophile or an inert organic solvent function as the solvent for the telomerization reaction. The term “nucleophile (II)” has been deleted from the claim. Entry of the amendments into the record is respectfully requested.

Double Patenting Rejection

Claims 1-7 stand rejected based on the judicially created doctrine of obviousness-type double patenting over Claims 1-11 of U. S. Patent 7,026,523. This ground of rejection is respectfully traversed.

Claim 1 of the cited patent claims relevant subject matter in that it broadly describes a telomerization reaction that involves an acyclic olefin containing at least two double bonds or mixtures with a nucleophile in the presence of a Pd-carbene catalyst. However, this broad statement of a telomerization does not lead one of skill in the art to the present process in which a mixture of butadiene and other hydrocarbons is subjected to the telomerization reaction, while beforehand, alkynes and optionally 1,2-butadiene are removed from the mixture that is to be telomerized. There is also no recitation in the claims of the patent of two of the carbene moieties, i.e., formulas (V) and (VI), of the present claims, from which the Pd catalyst can be formed. Further, as the Examiner recognizes, there is nothing in the claims of the patent to suggest that the metal for the catalyst can be selected from Groups 8 to 10 of the Periodic Chart. Accordingly, the process as claimed in the present application is not obvious in view of the claims of the patent. Withdrawal of the rejection is respectfully requested.

It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.


Respectfully submitted,

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